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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/802,348	03/17/2004	Robert Hinault	1759.156	3632
23405	7590	07/29/2005	EXAMINER	
HESLIN ROTHENBERG FARLEY & MESITI PC			MANAF, ABDUL	
5 COLUMBIA CIRCLE			ART UNIT	PAPER NUMBER
ALBANY, NY 12203			3635	

DATE MAILED: 07/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/802,348

Applicant(s)

HINAULT ET AL.

Examiner

Abdul Manaf

Art Unit

3635

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 17 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 March 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 03/17/2004.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

Claim 6 recites the limitation "the point elastic floor" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 7 objected to because of the following informalities: "on hall" typographical error, line 3. Appropriate correction is required.

### ***Drawings***

Figure 1 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's Prior Art (Fig. 1) in view of U.S. Patent No. 4685259 to Eberhart et al.

Regarding claim 1, Applicant's prior art (Fig. 1) discloses a floor comprised of a polyurethane foam base (1), point elastic top component (5), and two offset intermediate components (3,4) secured between base and top components (1, 5). However, Applicant's prior art does not disclose the intermediate components comprise of a honeycomb structure, reinforced with fiberglass plates. Eberhart discloses a honeycomb core bonded with fiberglass on both sides using an adhesive (column 2 lines 26-35).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Applicant's prior art (Fig. 1) by using honeycomb structure as intermediate components to improve the impact absorbance and the method of fabrication.

Regarding claim 2, Eberhart discloses honeycomb structure bonded to fiberglass using an adhesive to the first and second sides of the core (column 2 lines 26-35, column 4 lines 67-68).

Regarding claim 3, Eberhart discloses an adhesive is used to connect the components together (column 2 lines 26-35, column 4 lines 67-68).

Regarding claim 4, Applicant's prior art (Fig. 1) in view of Eberhart discloses longitudinal plane to obtain straight edge. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Applicant's prior art (Fig. 1) by cutting the elements in a transverse plane to obtain straight edge for easy installation and to be fitted out in a room or hall.

Regarding claim 5, Applicant's prior art (Fig. 1) discloses a floor comprised of a polyurethane foam base (1), point elastic top component (5), and two offset intermediate components (3,4) secured between base and top components (1, 5). However, Applicant's prior art does not disclose the intermediate components comprise of a honeycomb structure, reinforced with fiberglass plates. Eberhart discloses a honeycomb core bonded with fiberglass on both sides using an adhesive (column 2 lines 26-35).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Applicant's prior art (Fig. 1) by using honeycomb structure as intermediate components to improve the impact absorbance and the method of fabrication by pressing the intermediate elements together in order to achieve more effective, homogeneous and reliable bonding.

Regarding claim 6, the top component is inherently capable of being secured in a pre-established format. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Applicant's prior art (Fig. 1) by using a

pre-established format for the top element so it could be disposed in a required format prior to installation.

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's prior art (Fig.1) in view of the U.S. Patent No. 4685259 to Eberhart et al. further in view of U.S. Patent No. 6871363 to Sabados.

Regarding claim 7, Sabados discloses a floor presented as a carpet roll (column 3 lines 28-30). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Sabados by presenting a floor component in rolls so it is convenient to store and transport the element(s).

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The cited patents listed on the included form PTO-892 further show the state of the art with respect to sports floor in general.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Abdul Manaf whose telephone number is (571) 272-1476. The examiner can normally be reached on Monday-Friday from 7:30 am to 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl Friedman, can be reached at (571) 272-6842.

AM

7/26/2005

  
PRIMARY EXAMINER  
7/26/05  
Examiner AU 3635